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JUL 26 2004

OFFICE OF PETITIONS

In re Application of :
Zhaoyu Wang, Stephan Lutz and :
Karl Inglehart :
Application No. 10/754,451 : DECISION ACCORDING STATUS
Filed: January 9, 2004 : UNDER 37 CFR 1.47(a)
Attorney Docket No. 130109.465 :
Title: METHOD AND APPARATUS FOR :
LOCATING INTERNAL TRANSFER LEAKS :
WITHIN FUEL CELL STACKS :

This is a decision on the "PETITION TO ACCEPT APPLICATION WHEN ONE OF THE JOINT INVENTORS REFUSES TO SIGN OR CANNOT BE REACHED UNDER 37 C.F.R. § 1.47(a)," filed June 16, 2004.

The petition is GRANTED.

The above-identified application was filed on January 9, 2004, without an executed oath or declaration and missing the statutory basic filing fee. (The application included an application data sheet containing the residence and/or mailing addresses of all of the inventors). Accordingly, on April 16, 2004, a "Notice to File Missing Parts of Nonprovisional Application" was mailed, requiring an executed oath or declaration, the filing fee and a surcharge for its late filing.

In response, rule 47 applicants filed the instant petition (and fee); the filing fee; the late surcharge; and a declaration executed by joint inventors Lutz and Inglehart on behalf of themselves and on behalf of non-signing joint inventor Wang. Rule 47 applicants maintain that status under 37 CFR 1.47 is proper because joint inventor Wang refuses to join in the application for patent.

By declaration of Director of Intellectual Property, Cindy Longley, petitioner has shown that the application papers were presented to inventor Wang, but he refused to sign. Ms. Longley states that in a telephone conversation inventor Wang refused to sign. In addition, petitioner provides copies of email communications from inventor Wang, reflecting his refusal to sign. The petition includes a statement of the last known address of the non-signing inventor.

The declaration filed June 16, 2004, and the petition have been reviewed and found in compliance with 37 CFR 1.47(a).

This application is hereby accorded Rule 1.47(a) status.

As provided in new Rule 1.47(c), this Office will forward notice of this application's filing to the non-signing inventor at the address given in the petition. Notice of the filing of this application will also be published in the Official Gazette.

The application will be examined in Technology Center 1745 in due course.

Telephone inquiries regarding this decision should be directed to the undersigned at (703) 305-0309.



Nancy Johnson
Senior Petitions Attorney
Office of Petitions



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LETTER

Dear Mr. Wang:

You are named as a joint inventor in the above-identified United States patent application filed under the provisions of 35 U.S.C. 116 (United States Code) and 37 CFR 1.47(a), Rules of Practice in Patent Cases. Should a patent be granted on the application you will be designated therein as a joint inventor.

As a named inventor you are entitled to inspect any paper in the file wrapper of the application, order copies of all or any part thereof (at a prepaid cost per 37 CFR 1.19) or make your position of record in the application. Alternatively, you may arrange to do any of the preceding through a registered patent attorney or agent presenting written authorization from you. If you care to join the application, counsel of record (see below) would presumably assist you. Joining in the application would entail the filing of an appropriate oath or declaration by you pursuant to 37 CFR 1.63. However, no action on your part is required for this patent to issue with you as a named inventor.

Telephone inquiries regarding this communication should be directed to Petitions Attorney Nancy Johnson at (703) 305-0309. Requests for information regarding your application should be directed to the File Information Unit at (703) 308-2733. Information regarding how to pay for and order a copy of the application, or a specific paper in the application, should be directed to the Certification Division at (703) 308-9726 or 1-800-972-6382 (outside the Washington D.C. area).


Nancy Johnson
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